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September 9, 2003

Ms Marlene H. Dortch
Secretary
Federal Communications Commission
The Portals
445 12th Street, S.W.
Washington, D.C. 20554

Re: CC Docket No. 95-116

Dear Ms Dortch:

This is to inform you that on September 8, 2003, I met with Simon Wilke, FCC Chief Economist, and members of the Commission's Office of Strategic Planning, including Kathleen Ham, its Deputy Chief, Donald Stockdale and Sherille Ismail. During the meeting, I explained why prior to granting CTIA's requested relief regarding intermodal porting "outside of the rate center," the Commission must undertake a further rulemaking to determine the administrative rules that should govern intermodal portability, in particular, what intermodal "local number portability" means and why the Commission should refer technical issues relating to the CTIA request to the NANC for its prompt consideration and recommendations. In particular, I explained how the existing rules imposed no competitive disparity between wireline competitors, but that granting the CTIA proposal would lead to a significant competitive disparity between wireline and wireless competitors.

During the meeting I reviewed the existing rules governing the scope of ILECs' obligation to port telephone numbers, in particular Section 52.26(a) of the Commission's rules, Section 7.3 of Appendix C of the report of NANC's Local Number Portability Administration Selection Working Group, dated April 25, 1997, and the Report from the Wireless Wireline Integration Task Force to the North American Numbering Council, dated January 20, 1998. The latter Report summarizes the Commission's Policy Objectives for Numbering relevant to the CTIA request: (1) Administration of the [North American Numbering Plan] should not unduly favor or disadvantage any particular industry segment or group of

consumers and (2) Administration of the [North American Numbering Plan] should not unduly favor one technology over another.

I explained that at the present time, the rules governing porting between wireline competitors enable either BellSouth or any of the wireline CLECs with which it competes to port the numbers of any of the other's customers that elect to switch service providers. In other words, if BellSouth wins one of its CLEC competitors' customers, that customer can port his telephone number to BellSouth and, conversely, if the CLEC wins one of BellSouth's customers, that customer too can port his number to his new service provider. Because of significant differences between BellSouth's and wireless carriers' network architecture, operation support systems ("OSS") and the state regulations by which BellSouth is governed, however, the ability of these competitors to compete for customers is not symmetric. If a wireless carrier's customer sought to shift his service to BellSouth, that customer could port his wireless telephone number to BellSouth only if the customer's residence or place of business lay within the same rate center as the one with which his wireless telephone number was associated. Thus without significant changes to its software and state regulations governing the definition of what is a local call and what is a toll call, BellSouth would be at a disadvantage, one it would share with other ILECs, in competing against wireless carriers if intermodal porting is required under the current rules. These facts have led BellSouth to the conclusion that as a matter of law and of sound policy, the Commission cannot proceed to require intermodal portability until it addresses the issues arising because of the differences in network architecture, OSS and regulatory requirements that distinguish the ILECs and their wireline competitors from wireless carriers.

With respect to issues relating to the interval within which an intermodal port should be completed, I expressed BellSouth's position that the Commission needed to refer the issue of whether, and if so, how the existing prescribed period for porting a number could be shortened to the NANC and to also make any changes to the existing rule governing porting intervals through a rulemaking proceeding. I stated that BellSouth was prepared to work with the LNPA Working Group within NANC to identify how the interval could be shortened. During the meeting I also explained that BellSouth already had interconnection agreements with many wireless carriers and that for each of these carriers, BellSouth believes it would be more efficient to include in the associated interconnection agreement the terms and conditions governing intermodal porting between BellSouth and that carrier. When there is no such preexisting interconnection agreement, BellSouth believes that the wireline and wireless carrier should determine the nature of the agreement which best meets their needs.

In accordance with Section 1.1206, I am filing this notice electronically and request that you please place it in the record of the proceeding identified above. Thank you.

Sincerely,

A handwritten signature in blue ink that reads "Kathleen B. Levitz". The signature is written in a cursive style with a large initial "K" and a stylized "L".

Kathleen B. Levitz

Attachment

cc:Simon Wilke
Kathleen Ham
Donald Stockdale
Sherille Ismail

Framework for Discussion

Wireline Notes:

Each ILEC defines its own originating calling area which may encompass multiple rate centers

Wireline LEC obtains NPA/NXX for each rate center.

Wireline calls within a LCA are local.

Wireline calls across LCAs are toll.

LECs may have multiple switches in RC.

Wireless Notes:

Wireless carriers define their LCAs to meet competitive needs.

A CMRS switch serves multiple RCs & LCAs

CMRS providers do not obtain a NXX for each rate center.

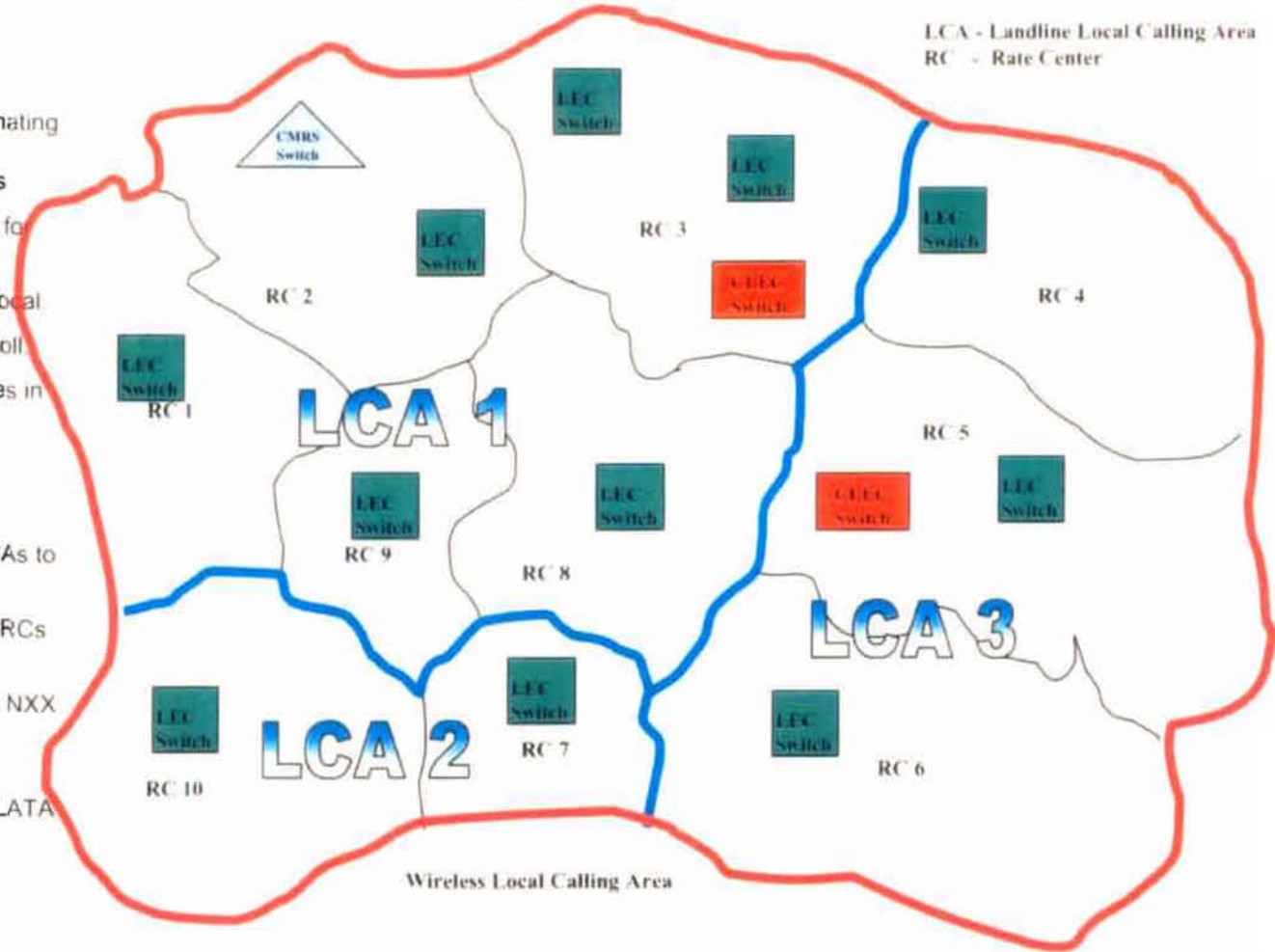
Each wireless carrier has an interconnection point within the LATA for an ILEC to send it traffic.

General Assumption:

Each switch has a unique LRN.

Wireline portability is restricted to the rate center.

BST calls are rated on the NPA-NXX of the dialed call.

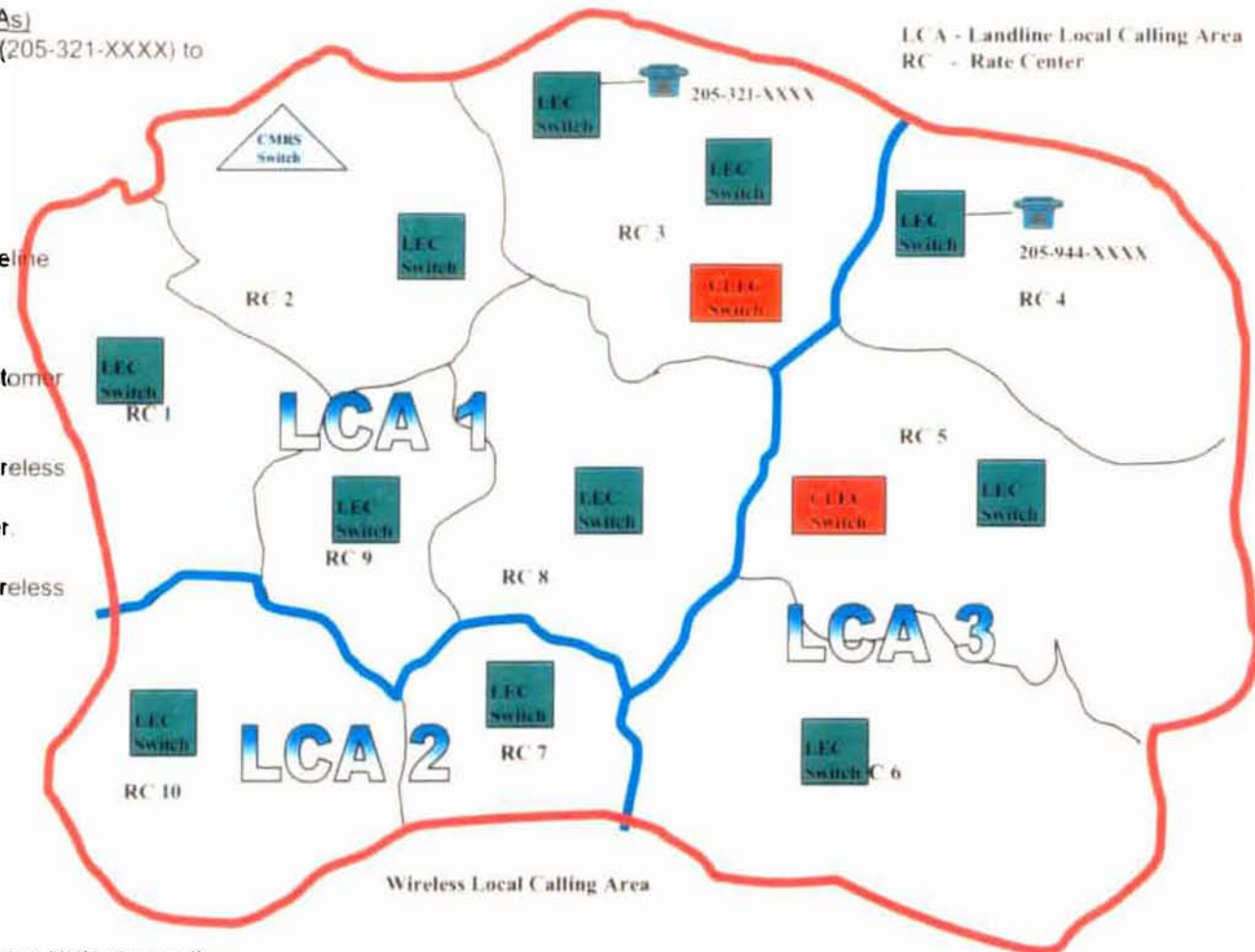


Scenarios #1: (Intra LATA / Intra LCAs)

Wireline customer in RC 3 ports TN (205-321-XXXX) to CMRS provider with Switch in RC2

Calling Scenarios:

1. Wireless customer with ported wireline TN calls wireline customer in RC3.
2. Ported customer calls wireline customer in RC 2.
3. Wireline customer in RC 3 calls wireless customer with ported TN ported (205-321-XXXX) to CMRS provider.
4. Wireline customer in RC 2 calls wireless customer with ported TN ported (205-321-XXXX) to CMRS provider.



Notes:

1. If calls are rated based on the dialed NXX, then calls from wireline customers to a former wireline customer are billed based on the dialed digits.
2. It is assumed that calls originated by new wireless customer (ported wireline customer) will be billed according to wireless calling plan.

2.

August 29, 2003

Scenarios #2: (Intra LATA / Inter LCAs)

Wireline customer in RC 4 ports TN (205-9444-XXXX) to CMRS provider with Switch in RC2

Calling Scenarios:

1. Wireless customer with ported wireline TN calls wireline customer in RC4.
2. Ported customer calls wireline customer in RC 2.
3. Wireline customer in RC4 calls ported TN.
4. Wireline customer in RC2 calls ported TN (205-9441-XXXX).

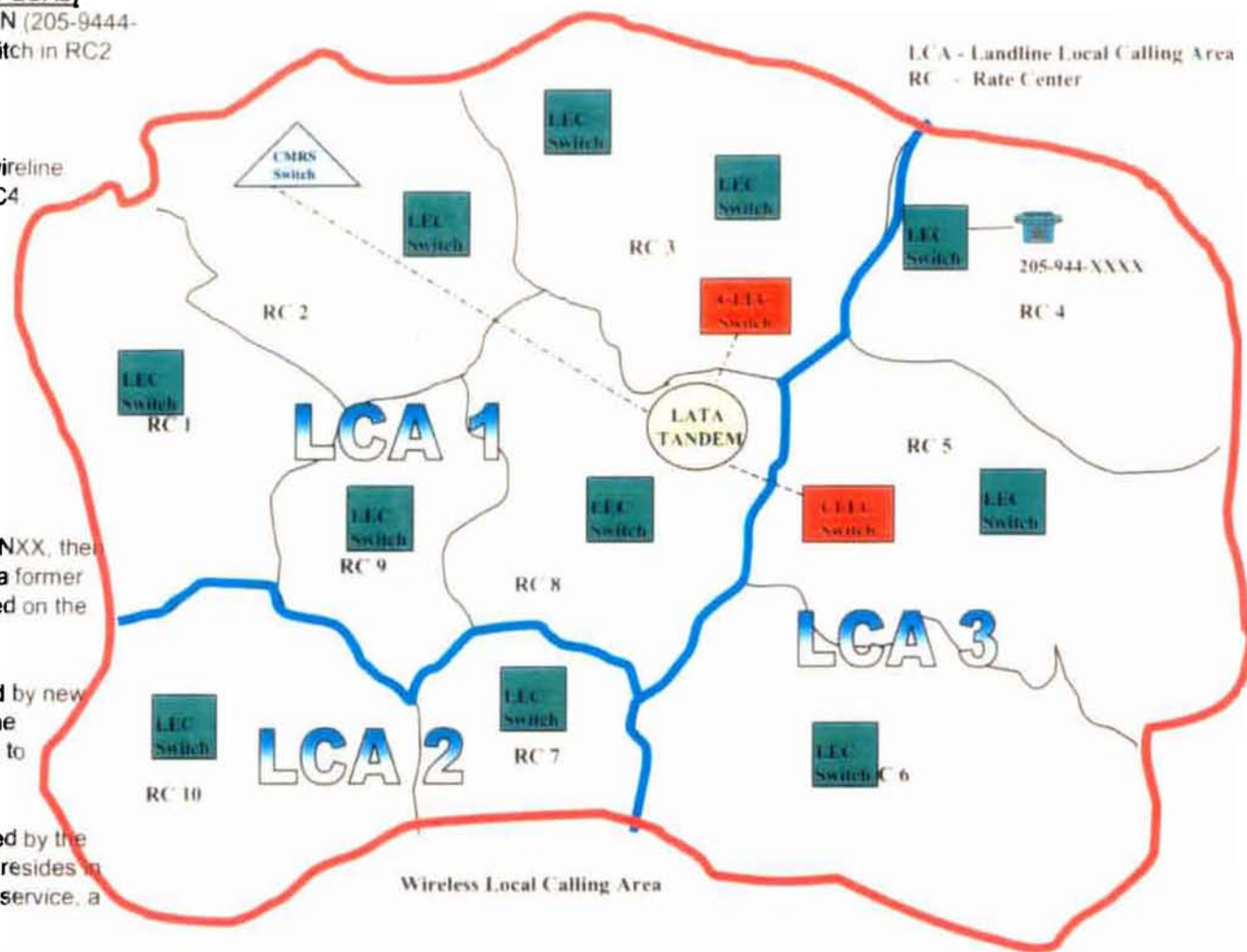
Notes:

1. If calls are rated based on dialed NXX, then calls from wireline customers to a former wireline customer are billed based on the dialed digits
2. It is assumed that calls originated by new wireless customer (ported wireline customer) will be billed according to wireless calling plan.
3. If exiting wireless customer served by the CMRS switch in RC2 physically resides in RC4 and wishes to have wireline service, a number change is required.

Discussion:

A wireline customer who resides in RC 4 ports their TN to the CMRS provider and, after the port, physically moves to RC 2.

Wireline customer in RC2 calls the wireless customer with ported TN (now physically residing in RC2).



Scenarios #3 (Inter LATA / Inter LCAs)

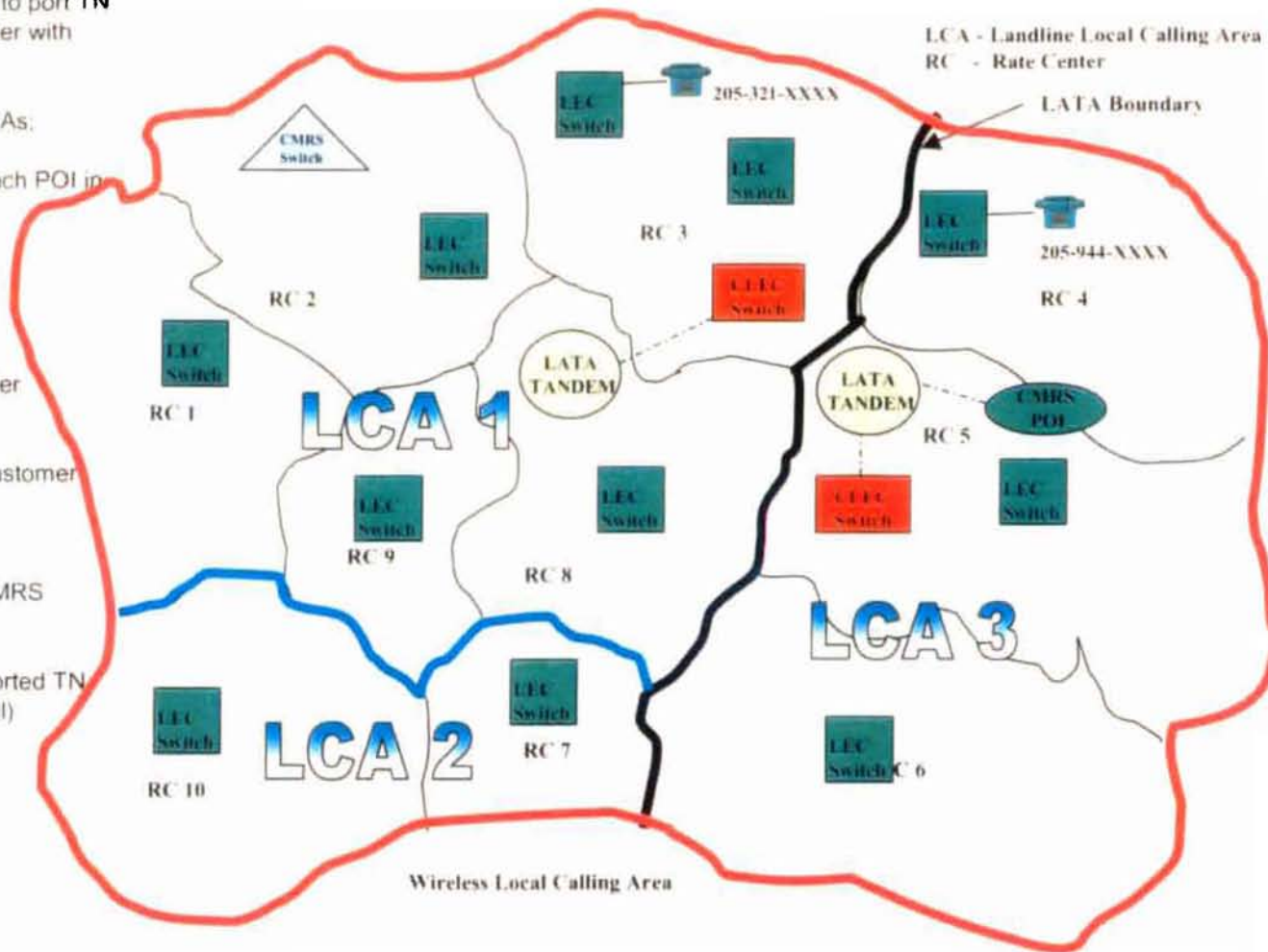
Wireline customer in RC 4 wishes to port TN (205-9444-XXXX) to CMRS provider with Switch in RC2;

CMRS Switch serves multiple LATAs;

CMRS Provider has an LRN for each POI in LATA.

Calling Scenarios:

1. Wireless customer with ported wireline TN calls wireline customer in RC4.
2. Ported customer calls wireline customer in RC 2.
3. Wireline customer in RC4 calls TN ported (205-944-XXXX) to CMRS provider.
4. Wireline customer in RC3 calls ported TN 205-9441-XXXX. (Inter LATA Call) Customer dials 1+ and IXC is responsible for LNP query.



Notes:

1. If calls are rated based on dialed NXX, then calls from wireline customers to a former wireline customer are billed based on the dialed digits
2. It is assumed that calls originated by new wireless customer (ported wireline customer) will be billed according to wireless calling plan.
3. If exiting wireless customer served by the CMRS switch in RC2 physically resides in RC4 and wishes to have wireline service, a number change is required.